

Robert A. Van Nest, SBN 84065, rav@kvn.com
Stuart L. Gasner, SBN 164675, slg@kvn.com
David J. Silbert, SBN 173128, djs@kvn.com
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

Todd G. Miller, SBN 163200, miller@fr.com
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Mathias W. Samuel, pro hac vice, samuel@fr.com
Fish & Richardson P.C., P.A.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

Attorneys for Plaintiffs/Counterclaim Defendants
Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FRESENIUS MEDICAL CARE HOLDINGS,
INC., a New York corporation; and FRESENIUS
USA, INC., a Massachusetts corporation,

Plaintiffs and Counterdefendants,

v.

BAXTER INTERNATIONAL, INC., a
Delaware corporation; and BAXTER
HEALTHCARE CORPORATION, a
Delaware corporation,

Defendants and Counterclaimants.

Case No. C 03-01431 SBA (EDL)

**[PROPOSED] ORDER GRANTING
FRESENIUS' MOTION TO COMPEL
BAXTER TO ANSWER AGREED
VERSION OF FRESENIUS'
INTERROGATORY NO. 18**

Judge: Hon. Elizabeth Laporte

IT IS HEREBY ORDERED that Plaintiff Fresenius' Motion to Compel is granted in part. Baxter shall answer by February 6, 2006, the following agreed version of Interrogatory No. 18 which is stated in full below:

Describe in detail any and all innovations in either hardware or software, developed by the inventors of the Baxter patents prior to April 19, 1991, required for a touch screen on a hemodialysis machine to send a signal to the main controller of the hemodialysis machine that a region on the touch screen has been touched, excluding any innovations necessary to control any specific hemodialysis parameters.

In addition to describing in detail any and all such innovations in hardware and software, Baxter is ordered to disclose where in both the specification and claims of the Baxter patents such innovations are set forth. Baxter should either cite the column and line numbers for such disclosures or it should copy such disclosures into its answer.

Dated: January 23, 2006

Hon. Elizabeth D. Laporte
United States Magistrate Judge



Submitted by:

s/Mathias W. Samuel
Todd G. Miller - #163200, miller@fr.com
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Robert A. Van Nest - #84065, rav@kvn.com
Stuart L. Gasner - #164675, slg@kvn.com
David L. Silbert - #173128, djs@kvn.com
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

Mathias W. Samuel (appearing pro hac vice), samuel@fr.com
Fish & Richardson P.C., P.A.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

1
2
3 Kameron Parvin, SNB 232349, parvin@fr.com
4 Fish & Richardson P.C.
5 500 Arguello Street, Suite 500
6 Redwood City, CA 94053
7 Telephone: (650) 839-5070
8 Facsimile: (650) 839-5071
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28